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Minerals And Mining



THE SEVEN HUNDRED AND THIRD ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE MINERALS AND MINING

ACT, 2006

provide for connected purposes.

DATE OF ASSENT: 22th March, 2006

ENACTED: by the President and Parliament: Ownership of minerals and cadastral system

Minerals Property of Republic

Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and an area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana.

Compulsory Acquisition of Land

Where land is required to secure the development or utilization of a mineral resource, the President may acquire the land or authorise its occupation and use under an applicable enactment for the time being in force.

Land Available for Application for Mineral Right

Land in the country may be made the subject of an application for a mineral right in respect of a mineral specified in the application, other than land which is the subject of an existing mineral right in respect of the specified mineral, or expressly reserved, by or under this Act or any other enactment from becoming the subject of a mineral right.

Minister may Reserve Land from Mining

The Minister may, by Executive Instrument declare land, not being the subject of a mineral right, to be reserved from, becoming the subject of an application for a mineral right for a mineral, or becoming the subject of an application for a mineral right in respect of specified minerals or of all minerals except specified minerals. An Executive Instrument issued shall be by the authority of the President.

Power of Minister to Grant Mineral Rights

Subject to subsections (4) and (5), the Minister on behalf of the President and on the recommendation of the Commission may negotiate, grant, revoke, suspend or renew mineral rights in accordance with this Act. Where the Minister grants a mineral right, the Minister shall determine the land subject to the grant. Where the Minister determines not to grant an application or determines to grant an application over a part of the land applied for, the Minister shall give the applicant written reasons.

A transaction contract or undertaking involving the grant of a right or concession by or on behalf of a person or body of persons, for the exploitation of a mineral in Ghana shall be subject to ratification by Parliament. Parliament may, by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt from the provisions of subsection (4) of this section a particular class of transactions, contract or undertakings.

Exportation and Disposal of Minerals

Except otherwise provided in this Act, a person shall not export, sell or otherwise dispose of a mineral, unless the person holds a licence granted by the Minister for that purpose. An application for a licence shall be made in writing to the Minister in the prescribed manner. The Minister, on the recommendation of the Commission may issue the licence in the form and on conditions determined by the Minister. A licence issued is not transferable. Shipment of rough diamonds to and from Ghana shall be subject to rules and Regulations as prescribed and shall be in accordance with the Kimberley Process Certification Scheme.

Government's Right of Pre-Emption

The Minister has the right of pre-emption of all minerals raised, won or obtained in Ghana and from any area covered by territorial waters, the exclusive economic zone

View Links:

- Chieftaincy Act, 1971
- Ghana Investment Promotion
- Human Trafficking
- Local Government Act
- **Minerals And Mining**
- Narcotic Drugs
- National Building Regulations
- National Identification Act, 2006
- National Labour Commission Regulations, 2006
- Presidential Commission
- Trade Policy
- W/ African Gas Pipeline Act, 2004

or the continental shelf and products derived from the refining or treatment of these minerals. The Government may, by an Executive Instrument, appoint a statutory body to act as its agent for the exercise of the right of pre-emption.

Cadastral System

For purposes of this Act, the surface of the Earth shall be deemed to be divided in accordance with the co-ordinates represented in the official maps of Ghana held at the Commission at a scale of 1:50,000, by the meridian of Greenwich and by meridians that are at a distance from that meridian of 15 or a multiple of 15 seconds of longitude, By the equator and by parallels of latitude that are at a distance from the equator of 15 or a multiple of 15 seconds of latitude, into sections ("geometric sections") each of which is bounded, By portions of those 2 meridians that are at a distance from each other of 15 seconds of longitude, and By portions of 2 of those parallels of latitude that are at a distance from each other of 15 seconds of latitude.

For purposes of this Act, a geometric section that is wholly within Ghana constitutes a block and Where only part of a geometric section is within Ghana, that part constitutes a block. Despite the provisions of paragraphs (a) and (b) of subsection fractions of blocks as maybe prescribed shall be acceptable in the case of a licence granted for small scale mining. Each block shall be identified by reference to the code of the block on a plan held at the Commission.

Mining Activities Require Mineral Right

Despite a right or title which a person may have to land in, upon or under which minerals are situated, a person shall not conduct a activities on or over land in Ghana for the search, reconnaissance, prospecting, exploration or mining for a mineral unless the person has been granted a mineral right in accordance with this Act. Activities conducted under a mineral right shall be limited to the activities permitted by the mineral right. Subsection (1) does not prevent a government institution or agency from conducting geological activities in accordance with its powers under an enactment.

Qualification for Grant of Mineral Right

Unless otherwise provided in this Act, a mineral right shall not be granted to a person unless the person is a body incorporated under the Companies Code 1963 (Act 179), under the Incorporated Private Partnerships Act 1962 (Act 152) or under an enactment in force.

Application for Mineral Rights

An application for a mineral right shall be submitted to the Minerals Commission in the prescribed form and shall be accompanied with a statement providing, particulars of the financial and technical resources available to the applicant for the proposed mineral operations, an estimate of the amount of money proposed to be spent on the operations, particulars of the programme of proposed mineral operations, and particulars of the applicant's proposals with respect to the employment and training in the mining industry of Ghanaians.

Recommendation to the Minister

The Commission shall, unless delay occurs because of a request for further information from an applicant or a delay is caused by the applicant, submit its recommendation on an application for a mineral right to the Minister within ninety days of receipt of the application.

Grant of Mineral Rights

The Minister shall 1 within sixty days on receipt of recommendation from the Commission make a decision and notify the applicant in writing of the decision on the application and where the application is approved, the notice shall include details of the area, the period and the mineral subject to the mineral right. The Minister shall, not less than forty-five days prior to making a decision under subsection (1), give a notice in writing of a pending application for the grant of a mineral right in respect of the land to a chief or allodial owner and the relevant District Assembly.

A notice given under subsection (2) shall state the proposed boundaries of the land in relation to which the mineral right is applied for, and be published in a manner customarily acceptable to the areas concerned, and the Gazette and exhibited at the offices of the District Assembly within whose district, a part of the area is situated. The applicant shall within sixty days of receipt of notification of approval, notify the Minister in writing of acceptance of the offer of the grant. The Minister shall upon receipt of the notification of acceptance of the offer, grant the mineral right to the applicant. An approved application shall lapse if the applicant fails to notify the Minister of an acceptance in accordance with subsection (4).,

Subject to the provision of this Act, a mineral right shall be subject to the terms and conditions that are prescribed from time to time. The rights and obligations of a holder of mineral right shall apply to the agents and employees of the holder. Subject to sections 73 and 74, a mineral right granted by the Minister under this section is sufficient authority for the holder over the land and entitles the holder to enter the land in respect of which the right is granted.

The holder of a mineral right shall not remove or destroy a mineral obtained by the holder in the course of mineral operations without the permission in writing of the head of the Inspectorate Division of the Commission. Despite subsection (10), cores and samples may be retained by a holder for the purpose of assay, identification or analysis of the mineral. Where a core is retained under subsection (11), the holder shall maintain in respect of the core or sample, particulars sufficient for the identification of the core or sample, and the location and geological horizon of its origin as the head of the Inspectorate Division of the Commission may in consultation with the Director of Geological Survey Department determine.

Geological core samples may after assaying, identification or analysis of a mineral be disposed of only with the express consent of the Commission given in consultation with the Geological Survey Department.

Assignment of Mineral Rights

A mineral right shall not in whole or in part be transferred, assigned, mortgaged or otherwise encumbered or dealt in, in a manner without the prior approval in writing of the Minister, which approval shall not be unreasonably withheld or given subject to unreasonable conditions. Where the Minister has not given a decision in writing to the applicant, within thirty days of receipt of an application for approval, the Minister shall upon a request from the applicant give written reasons to the applicant for the failure to communicate a decision on the application.

The reasons required under subsection (2) shall be sent to the applicant within fourteen days of receipt of the request. A dispute between the Minister and an applicant or holder in respect of a decision of the Minister under subsection (1), shall be referred for resolution under section 27. Subject to the other provisions of this section, an undivided proportionate part of a mineral right or application for a mineral right may be transferred, assigned, mortgaged or otherwise encumbered or dealt with.

Amendment of Mineral Right to Add other Minerals

Where in the course of exercising a mineral right under this Act, the holder discovers an indication of a mineral not included in the mineral right, the holder shall within thirty days of the discovery, notify the Commission and Geological Survey

Department in Writing of the Discovery.

The notification given under subsection (1) shall contain particulars of the discovery, and the site and circumstances of the discovery. The holder of the mineral right may in the prescribed form, apply for the mineral right to be amended to include an additional mineral, or exclude a mineral.

Obligations of Holders of Mineral Rights

The holder of a mineral right shall at all times appoint a manager with the requisite qualification and experience to be in charge of that holder's mineral operations. The holder of a mineral right shall notify the Head of the Inspectorate Division of the Commission in writing of the appointment of a manager and on each change of the manager.

Water Right

Subject to obtaining the requisite approvals or licenses under the Water Resources Commission Act 1996 (Act 552), a holder of a mineral right may, for purposes of or ancillary to the mineral operations, obtain, divert, impound, convey and use water from a river, stream, underground reservoir or watercourse within the land the subject of the mineral right.

Forestry and Environmental Protection

Before undertaking an activity or operation under a mineral right, the holder of the mineral right shall obtain the necessary approvals and permits required from the Forestry Commission and the Environmental Protection Agency for the protection of natural resources, public health and the environment. Without limiting subsection (1), a holder of a mineral right shall comply with the applicable Regulations made under this Act and any other enactment for the protection of the environment in so far as relates to exploitation of minerals.

Records of and Reports by Mineral Right Holders

A holder of a mineral right shall maintain, at an address in Ghana notified to the Commission for the purposes of this section, the documents and records that may be prescribed and shall permit an authorized officer of the Commission at a reasonable time to inspect the documents and records and take copies of them. A holder of a mineral right shall furnish the Commission, Geological Survey Department and other persons prescribed, with such reports on the mineral operations of and geological information attained by or on behalf of the holder.

Public Access to Information

Records, documents and information finished or attained under sections 19 and 63 shall, as long as the holder or the holder's successor-in-title retains the mineral right, or any mineral right granted in substitution over the area to which the records, documents and information relate, be treated as confidential and shall not be divulged without the prior written consent of the holder. Subject to subsection (1), the records, documents and reports furnished or attained under sections 19 and 63 shall be made available for inspection and copy by the public, on payment of the prescribed fee.

Nothing in this section prohibits the disclosure of confidential information, where the disclosure is necessary for the purposes of this Act or an enactment, for the purposes of a prosecution under this Act or any other enactment, or to a person being a consultant to the Commission or an officer who is authorized by the Minister to receive the confidential information. A person to whom disclosure is made under this section is under an obligation to treat the information as confidential.

Copyright in Information

Despite a law to the contrary, the copyright in respect of the documents, records and information furnished or attained under sections 19 and 63 shall pass to and reside with the Republic on and from the time that the records, documents and information become available, under section 20(2) for inspection by the public.

Application Fee

An applicant for a mineral right shall pay a fee as may be prescribed.

Annual Ground Rent

A holder of a mineral right, shall pay an annual ground rent as may be prescribed. Payments of annual ground rent shall be made to the owner of the land or successors and assigns of the owner except in the case of annual ground rent in respect of mineral rights over stool lands, which shall be paid to the Office of the Administrator of Stool Lands, for application in accordance with the Office of the Administrator of Stool Lands Act 1994 (Act 481).

Annual Mineral Right Fees

A holder of a mineral right shall pay an annual mineral right fee that may be prescribed and payment of the fee shall be made to the Commission.

Royalties

A holder of a mining lease, restricted mining lease or small scale mining licence shall pay royalty that may be prescribed in respect of minerals obtained from its mining operations to the Republic, except that the rate of royalty shall not be more than 6% or less than 3% of the total revenue of minerals obtained by the holder.

Recovery of Debts

A fee, royalty or other payment which falls due in respect of a mineral right or otherwise under this Act is a debt owed to the Republic and recoverable in the Court.

Dispute Resolution

Where a dispute arises between a holder of a mineral right and the Republic in respect of a matter expressly stated under this Act as a matter which shall be referred for resolution, all efforts shall be made through mutual discussion and if agreed between the parties, by reference to alternative dispute resolution procedures, to reach an amicable settlement.

Where a dispute arises between a holder who is a citizen and the Republic in respect of a matter expressly stated under this Act as a matter which shall be referred for resolution, which is not amicably resolved as provided in subsection (1) within thirty days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may be submitted by a party to the dispute, to arbitration for settlement in accordance with the Arbitration Act, 1961 (Act 38) or any other enactment in force for resolution of disputes.

Where a dispute arises between a holder who is not a citizen and the Republic in respect of a matter expressly stated under this Act as a matter which shall be referred for resolution under this section, which is not amicably resolved as provided under subsection (1) within thirty days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may, by a party to the dispute giving notice to all other parties, be submitted to arbitration, in accordance. With an international machinery for the resolution of investment disputes, as agreed to by the parties, or if the parties do not reach an agreement under paragraph (a) within thirty days, or a longer period agreed between the parties, of the matter being submitted to arbitration.

In accordance with firstly, the framework of a bilateral or multilateral agreement on investment protection to which the Republic and the country of which the holder is a national, are parties, or secondly, if no agreement contemplated by subparagraph (i) exists, the rules of procedure for arbitration of the United Nations Commission on International Trade Law, UNCITRAL Rules.

Each agreement granting a mineral right shall contain provisions on the method of resolution of disputes that may arise under the agreement. Where a holder has notified the Minister in writing that the holder wishes to refer a dispute for resolution and, but for this subsection, the term of the mineral right would expire, the area the subject of the mineral right, would be reduced, or the rights under the mineral right held at that time would be diminished, the term, the area, the right held, as the case may be, shall continue without diminution for the period ending thirty days after the determination of the dispute.

Capitalization of Expenditure

The holder of a mining lease is entitled to the capitalization of expenditure on reconnaissance and prospecting approved by the Minister on the advice of the Commission where the holder starts development of a commercial find.

Additional Benefits

The holder of a mineral right may be granted the following: exemption from payment of customs import duty in respect of plant, machinery, equipment and accessories imported specifically and exclusively for the mineral operations. Exemption of staff from the payment of income tax on furnished accommodation at the mine site Immigration quota in respect of the approved number of expatriate personnel; and Personal remittance quota for expatriate personnel free from tax imposed by an enactment regulating the transfer of money out of the country.

Transferability of Capital

A holder of a mining lease who earns foreign exchange from mining operations may be permitted by the Bank of Ghana to retain in an account, a portion of the foreign exchange earned, for use in acquiring spare parts and other inputs required for the mining operations, which would otherwise not be readily available without the use of the earnings.

The Minister for Finance, in consultation with the Minister acting on the advice of the Commission may, where the net earnings of a holder of a mining lease from the holder's mining operations are in foreign exchange, permit the holder of the lease to open and retain in an account, an amount not less than twenty five percent of the

foreign exchange for debt servicing and dividend payment, remittance in respect of quotas for expatriate personnel, and the transfer of capital in the event of a sale or liquidation of the mining operations. An account opened and operated under subsection (2) shall, with the consent of the Bank of Ghana, be held in trust by a trustee appointed by the holder of the lease. Subject to this Act, a holder of a mining lease shall be guaranteed free transferability of convertible currency through the Bank of Ghana, or in the case of a net foreign exchange holder, through the account opened under subsection (2).

Application for Reconnaissance License

Subject to this Act, the Minister may, on an application made by a qualified person and on the recommendation of the Commission, grant a reconnaissance license in respect of all or a part of the area applied for and in respect of all or any of the minerals specified in the application. A reconnaissance license may be granted for an initial period not more than twelve months. The area of land in respect of which a reconnaissance license may be granted shall be a block or any number not more than five thousand contiguous blocks each having a side in common with at least one other block the subject of the application.

Rights of Holder of Reconnaissance Licence

Subject to this Act and the Regulations made under this Act, a recon is since licence confers on the holder and a person authorized, in accordance with this Act by the holder of the reconnaissance licence, the exclusive right to carry on reconnaissance in the reconnaissance area for the minerals to which the reconnaissance licence relates and to conduct other ancillary or incidental activity. For the purposes of exercising the right conferred under subsection (1), a holder of a reconnaissance licence and a person authorized in accordance with this Act by the holder of the reconnaissance licence, may enter the reconnaissance area and erect camps or temporary buildings. A holder of a reconnaissance licence shall not engage in a drilling or excavation.

Application for Extension of Term of Reconnaissance Licence

A holder of a reconnaissance licence may ,not later than three months before the expiration of the initial term of the licence, apply to the Minister for an extension of the term of the reconnaissance licence in respect of all or part of the reconnaissance area. The form of the application shall be as may be prescribed. Where an application for extension of the term of a reconnaissance licence is made under this section and the applicant has materially complied with the obligations imposed by this Act with respect to, the holding of the licence, and the activities to be conducted under the licence, the Minister shall extend the term of the licence. Subject to subsection (5), a reconnaissance licence may be extended once only and for a period not exceeding twelve months.

Where, at least one month before the end of the extended period, or within the shorter period that the Minister may allow, the holder of a reconnaissance licence satisfies the Minister that delay by a government institution in the issuance of a permit or in carrying out a lawful activity has resulted in delay by the holder in the discharge of an obligation under the reconnaissance licence, the holder may apply in writing to the Minister for extension and the Minister may extend the term of the reconnaissance licence for a period not more than twelve months.

Where a holder of a reconnaissance licence has made an application for an extension of the term of the licence, or the land and for some or all of the minerals the subject of the reconnaissance licence, and the term of the reconnaissance licence would but for this subsection, expire, the reconnaissance licence shall continue in force with respect to the land or minerals the subject of the application until the application is determined.

If the holder of a reconnaissance licence transfers the reconnaissance licence in accordance with this Act after making an application for an extension of the term of the licence, or a prospecting licence or mining lease in respect of all or part of the land and for some or all of the minerals the subject of the reconnaissance licence, the application shall continue in the name of the transferee, as if the transferee had made it.

Application for Prospecting Licence

The Minister may, on an application duly made by a qualified person and on the recommendation of the Commission, grant a prospecting licence in respect of all or any of the minerals specified in the application. A prospecting licence shall be granted for an initial period not exceeding three years. The area of land in respect of which a prospecting licence may be granted shall be a block or a number not exceeding 750 contiguous blocks each having a side in common with at least one other block the subject of the application.

If a holder of a reconnaissance licence applies for a prospecting licence over all or part of the land and for a mineral the subject of the reconnaissance licence and the holder has materially complied with the obligations imposed by this Act with respect to the holding of the licence, and the activities to be conducted under the licence, the Minister shall within sixty days of the application, subject to the permits and other obligations required by law having been complied with, grant the applicant the prospecting licence on the conditions that shall be specified in the licence. A dispute between the Minister and a holder in respect of any matter that arises under subsection (4), shall be referred for resolution under section 27.

Extensions of the Term of a Prospecting Licence

The holder of a prospecting licence may, at any time but not later than three months before the expiration of the initial term of the licence, apply in the form that maybe prescribed to the Minister for an extension of the term of the prospecting licence subject to section 38(3), for a further period not more than three years in

respect of all or any number of blocks the subject of the prospecting licence. On an application duly made under subsection (1), and upon being satisfied that the holder has complied with the obligations imposed by this Act with respect to the holding of the licence, and the activities to be conducted under the prospecting licence, the Minister shall on the recommendations of the Commission grant an extension of the term of the prospecting licence.

A dispute between the Minister and a holder in respect of a matter that arises under subsection (2) shall be resolved under section 27. Where a holder of a prospecting licence has made an application for an extension of the term of the licence and the term of the prospecting licence would, but for this sub section to expire, the prospecting licence shall continue in force in respect of the land for the subject of the application until the application is determined.

Where a holder of a prospecting licence has made an application for a mining lease and the term of the prospecting licence would, but for this subsection expire, the licence shall continue in force with respect to the land and minerals the subject of the application until the application is determined. If the holder of a prospecting licence transfers the prospecting licence in accordance with this Act after making an application for the extension of the term of the prospecting licence, or a mining lease in respect of all or part of the land and for some or all of the minerals the subject of the prospecting licence, the application shall continue in the name of the transferee as if the transferee had made the application.

Programme of Prospecting Operations

A prospecting licence may not be granted unless the proposed programme of mineral operations submitted with the application is, in the Minister's reasonable opinion, suitable in the circumstances.

The holder of a prospecting licence shall notify the Minister of an amendment the holder wishes to make to the programme of prospecting operations and the amendment shall, unless rejected by the Minister on reasonable grounds, within two months after receipt of the notice, have effect after that period.

The Minister may, upon an application made by the holder of a prospecting licence, limit or suspend the obligation of the holder to carry on prospecting operations, under terms and conditions that the Minister may reasonably determine. A dispute between the Minister and a holder in respect of a matter that arises under subsections (1) or (2), shall be resolved under section 27.

Rights and Obligations of Holder of a Prospecting Licence

The holder of a prospecting licence may in the exercise of the rights under the licence, enter upon land to which the licence relates to prospect for the mineral in respect of which the licence is granted, make boreholes and excavations that may be necessary for the prospecting purposes, erect camps and put up temporary buildings necessary for the prospecting operations, and conduct other activity ancillary or incidental to the prospecting.

The holder of a prospecting licence shall commence prospecting operation within three months after the date of the issue of the licence, or at a time specified by the Minister, demarcate and keep demarcated the prospecting area in the prescribed manner, carry on prospecting operation in accordance with the programme of prospecting operations, notify the Minister through the Commission, of any discovery of minerals to which the prospecting licence relates within a period of thirty days from the date of the discovery, notify the Minister through the Commission of the discovery of a mineral deposit which is of possible economic value within a period of thirty days from the date of the discovery, fill back or otherwise make safe to the satisfaction of the Commission a borehole or excavation made during the course of prospecting operations.

Unless the Commission otherwise stipulates, remove within sixty days from the date of the expiration of the prospecting licence a camp, temporary building or machinery erected or installed and make good to the satisfaction of the Commission damage to the surface of the ground occasioned by the removal. Subject to the condition of the prospecting licence, expend on prospecting not less than the amount specified in the prospecting licence, and submit reports of other documents to persons at prescribed intervals and supporting documents containing required information.

Moneys required to be spent under subsection (2) (it) and which are not yet spent shall be a debt to the Republic and recoverable from the holder in the Court. The holder of a prospecting licence shall to the satisfaction of the Minister, keep full and accurate records of the prospecting operations showing particulars that the Minister may prescribe.

Compulsory Reduction of Area of Prospecting Licence

Subject to this section, the holder of a prospecting licence shall prior to or at the expiration of the initial term, surrender not less than half the number of blocks of the prospecting area so long as a minimum of one hundred and twenty-five blocks remain subject to the licence and the blocks form not more than three discrete areas each consisting of a single block, or a number of blocks each having a side in common with at least one other block in that area.

Where, at least one month before the end of the term or within a shorter period that the Minister may allow, the holder of a prospecting licence satisfies the Minister that delay by a government institution or agency in the issuance of permits or in carrying out a lawful activity have resulted in delay by the holder in the discharge of an obligation under the prospecting licence, the holder may apply in writing to the Minister for relief from the obligation to surrender land and the Minister may exempt that holder from the requirements of this section, either wholly or in part, for a period, not more than twelve months and on other conditions that the Minister

thinks fit. A dispute between the Minister and a holder in respect of a matter that arises under subsection (2), shall be resolved under section 27.

Application for mining lease by holder of reconnaissance licence or prospecting licence
A holder of a reconnaissance licence or a prospecting licence may, prior to the expiration of the licence, apply in the prescribed form for one or more mining leases in respect of all or any of the minerals the subject of the licence and in respect of all or any one or more of the blocks which constitutes the reconnaissance or prospecting area except that the blocks shall form not more than three discrete areas, with each consisting of a single block, or a number of blocks each having a side in common with at least one other block in that area, and each of which could be the subject of a separate mining lease application.

The holding of the lease, and the activities to be conducted under the licence, the Minister on the recommendation of the Commission shall, within sixty days of receipt of the application and subject to all obligations having been satisfied, grant the applicant a mining lease on conditions specified in the lease. A dispute between the Minister and a holder in respect of a matter that arises under subsection (2), shall be resolved under section 27.

Repeal, savings and transitional provisions The following enactments are repealed

- Minerals and Mining Law 1986 (PNDCL153);
- Minerals and Mining (Amendment) Act 1994 (Act 475);
- Administration of Lands (Amendment) Decree 1979 (AFRCD 61);
- Minerals Export Duty (Abolition) Law 1987 (PNDCL 182);
- Mining Operations (Government Participation) (Repeal) Act 1993 (Act 465);
- Mining Rights Regulations (Amendment) Ordinance (No. 31 of 1957); and
- Mining Health Area Ordinance 1935;
- Small Scale Gold Mining Law, 1989 PNDCL218;
- Diamond Decree, 1972 (NRCD 32); and
- Diamonds (Amendment) Law 1989 (PNDCL 216).

Despite the repeal of the enactments mentioned under subsection a licence, lease or permit granted or issued under an enactment and subsisting immediately before the coming into force of this Act shall continue under the laws applicable immediately before the commencement of this Act, except that the Minister may by legislative instrument make specified leases, licences permit and agreements subject to this Act or subject to specific provisions of this Act as shall be stated.

An instrument issued by the Minister under subsection (2) shall not have the effect of imposing or increasing annual holding costs in respect of mining rights held or otherwise impose an additional financial burden on the holder for a period of five years from the date of the coming into force of this Act. A dispute that arises between the Minister and a holder of a licence, lease or permit pursuant to an instrument issued by the Minister under subsection (2) shall be referred for resolution under section 27. Regulations or Rules made under the repealed enactment and in force immediately before the commencement of this Act are hereby continued in force until otherwise dealt with under this Act.

The Chief Inspector of Mines and other persons employed in the Office of the Chief Inspector of Mines immediately before the commencement of this Act shall upon the commencement of this Act be considered to be employees in the Inspectorate Division of the Commission. A reference in an enactment, document or writing in existence immediately before the commencement of this Act to the Inspector of Mines or Chief Inspector of Mines shall on the commencement of this Act be considered as a reference to the Inspectorate Division of the Commission provided for under section 101.